

PARTCONS, TERMINATED

**U.S. District Court  
District of Oregon (Portland)  
CIVIL DOCKET FOR CASE #: 3:04-cv-01361-AS**

Equal Employment Opportunity Commission v. Lithia Subaru Of Oregon City	Date Filed: 09/24/2004
Assigned to: Magistrate Judge Donald C. Ashmanskas	Date Terminated: 03/02/2006
Case in other court: 1	Jury Demand: Plaintiff
Cause: 42:2000e Job Discrimination (Employment)	Nature of Suit: 442 Civil Rights: Jobs
	Jurisdiction: U.S. Government Plaintiff

**Plaintiff****Equal Employment Opportunity  
Commission**

represented by **A.Luis Lucero, Jr.**  
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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

**Mark Harris**

represented by **William D. Stark**  
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V.

**Defendant**

**Lithia Subaru Of Oregon City**

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## ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/24/2004	<a href="#">1</a>	Complaint. Demand For Jury Trial. Summons issued as to Lithia Subaru Of Oregon City Stephen Matthews, Registered Agent. Filed by Equal Employment Opportunity Commission against Lithia Subaru Of Oregon City.(cib, ) (Entered: 09/27/2004)
09/24/2004	<a href="#">2</a>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment. Discovery to be completed by 1/22/2005. Joint Alternate Dispute Resolution Report due by 2/21/2005. Pretrial Order due by 2/21/2005. (cib, ) (Entered: 09/27/2004)
10/22/2004	<a href="#">4</a>	Corporate Disclosure Statement. Filed by Defendant Lithia Subaru Of Oregon City. (peg, ) (Entered: 10/26/2004)
10/25/2004	3	Answer to Complaint. Filed by Defendant Lithia Subaru Of Oregon City.(peg, ) (Entered: 10/26/2004)
10/26/2004	5	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - SETTING a Telephone Rule 16 Conference for Wednesday, January 19, 2005, at 10:15AM; Court staff will initiate the call. (peg, ) (Entered: 10/26/2004)</b>
11/01/2004	<a href="#">9</a>	Fed. R. Civ. P. 26(a)(1) Agreement. Filed by Equal Employment Opportunity Commission.(cib, ) (Entered: 12/06/2004)
11/08/2004	<a href="#">6</a>	Motion to Intervene. Filed by Hussain Adel, Mark Harris. (cib, ) (Entered: 11/09/2004)
11/08/2004	<a href="#">7</a>	Intervener Complaint. Jury Trial Demand. Filed by Hussain Adel, Mark Harris against Lithia Subaru Of Oregon City.(cib, ) Receipt #180198 For \$150.00. (Entered: 11/09/2004)
12/03/2004	8	<b>ORDER: GRANTING Plaintiffs-Intervenors Motion<a href="#">6</a> to Intervene. Plaintiffs-Intervenors complaint due to be filed within 10 days of this order, 12/13/04. (peg, ) (Entered: 12/03/2004)</b>
12/07/2004	<a href="#">10</a>	Intervenor-Plaintiffs' Complaint against Defendant Lithia Subaru of Oregon City; Jury Trial Requested. Filed by Hussain Adel and Mark Harris.(peg, ) (Entered: 12/13/2004)
12/30/2004	<a href="#">11</a>	(Proposed) Joint Discovery Plaintiff. Filed by all parties.(peg, ) (Entered: 01/05/2005)
01/04/2005	<a href="#">12</a>	Return of Service executed upon Carter Mann, Attorney For Lithia Subaru Of Oregon City on 12/20/04. Filed by Hussain Adel, Mark Harris. (cib, ) (Entered: 01/06/2005)
01/07/2005	13	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - GRANTING portions 1-6 of the parties Proposed Joint Discovery Plan<a href="#">11</a> as follows: (1) Parties to submit a joint settlement/status report by 2/28/05; (2) Plaintiff's expert disclosure/expert report due by 3/31/05; (3) Defendant to disclose</b>

		<b>experts/rebuttal experts by 4/20/05; (4) Plaintiff's rebuttal experts if any by 5/31/05; (5) Any motions re: experts to be filed by 6/30/05; (6) Non Expert Discovery cut-off by 4/29/05; (7) Dispositive motions filed by 5/31/05; (8) Trial date and related matters will be determined after resolution of dispositive motions; (9) STRIKING as moot the 1/19/05 telephone rule 16 conference. (peg, ) (Entered: 01/07/2005)</b>
01/10/2005	<a href="#">14</a>	Motion to Compel <i>Arbitration</i> . Filed by Lithia Subaru Of Oregon City. (Mann, Carter) (Entered: 01/10/2005)
01/10/2005	<a href="#">15</a>	Memorandum in Support of <i>Motion to Compel Arbitration</i> . Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion to compel <a href="#">14</a> .) (Mann, Carter) (Entered: 01/10/2005)
01/10/2005	<a href="#">16</a>	Declaration of Erika Torson <i>in Support of Lithia's Motion to Compel Arbitration</i> . Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion to compel <a href="#">14</a> .) (Mann, Carter) (Entered: 01/10/2005)
01/10/2005	<a href="#">17</a>	Certificate of Service by Lithia Subaru Of Oregon City re Motion to Compel <i>Arbitration</i> <a href="#">14</a> , <i>Memorandum of Law in Support of Motion to Compel Arbitration and Declaration of Erika Torson in Support of Motion to Compel Arbitration</i> . Filed by Lithia Subaru Of Oregon City. (Mann, Carter) (Entered: 01/10/2005)
01/20/2005	18	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - SETTING Defendant's Motion to Compel Arbitration<a href="#">14</a> on the Court's Oral Argument Motion Calendar of Monday, February 28, 2005, at 1:30PM. (peg, ) (Entered: 01/20/2005)</b>
01/27/2005	<a href="#">19</a>	Motion to Expand the Time to Respond to Defendant's Motion <a href="#">14</a> to Compel Arbitration. Filed by Plaintiff-Intervenors Adel and Harris. (peg, ) (Entered: 01/28/2005)
01/28/2005	20	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - GRANTING plaintiff-intervenors' motion<a href="#">19</a> to extend time to respond to defendant's motion to compel arbitration to 3/1/05. ORDER: RESETTING oral argument on defendant's motion to compel arbitration<a href="#">14</a> from 2/28/05 to Monday, March 28, 2005, at 9:00AM. (peg, ) (Entered: 01/28/2005)</b>
02/28/2005	<a href="#">21</a>	Status Report by Lithia Subaru Of Oregon City. Filed by Lithia Subaru Of Oregon City. (Mann, Carter) (Entered: 02/28/2005)
02/28/2005	<a href="#">23</a>	Response to Defendant's Motion to Compel Arbitration <a href="#">14</a> . Filed by Plaintiff-Intervenors.(peg, ) (Entered: 03/02/2005)
03/01/2005	<a href="#">22</a>	Third Party Response <i>EEOC's 3rd Party Response</i> to Motion to Compel <i>Arbitration</i> <a href="#">14</a> . Filed by Equal Employment Opportunity Commission.(Flores, Carmen) (Entered: 03/01/2005)
03/04/2005	24	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - GRANTING the parties request for extension time contained in their 2/28/05, status report, as follows: (1) Plaintiff's expert disclosure/expert report due by 6/30/05; (2) Defendant's expert disclosure/rebuttal expert due by 7/21/05; (3) Plaintiff's rebuttal expert, if any, due by 8/31/05; (4) Any motions re: experts to be filed by 9/30/05; (5) Non-expert discovery cut-off by 7/29/05; (6)</b>

		<b>Dispositive motions to be filed by 8/31/05. (peg, ) (Entered: 03/04/2005)</b>
03/07/2005	25	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - RESETTING Oral Argument on Defendant's Motion to Compel Arbitration<sup>14</sup> from 3/28/05, to Monday, April 25, 2005, at 9:00AM. (peg, ) (Entered: 03/07/2005)</b>
03/11/2005	<a href="#">26</a>	Reply Memorandum in Support to Motion to Compel Arbitration <sup>14</sup> . Filed by Lithia Subaru Of Oregon City.(Mann, Carter) (Entered: 03/11/2005)
03/11/2005	<a href="#">27</a>	Declaration of Carter Mann in Support of Lithia's Motion to Compel Arbitration. Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion to compel <sup>14</sup> .) (Mann, Carter) (Entered: 03/11/2005)
03/11/2005	<a href="#">28</a>	Declaration of Suzi Ellis Alligood In Support of Lithia's Motion to Compel Arbitration. Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion to compel <sup>14</sup> .) (Mann, Carter) (Entered: 03/11/2005)
03/11/2005	<a href="#">29</a>	Supplemental Declaration of Erika Torson In Support of Lithia's Motion to Compel Arbitration. Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion to compel <sup>14</sup> .) (Mann, Carter) (Entered: 03/11/2005)
03/11/2005	<a href="#">30</a>	Certificate of Service by Lithia Subaru Of Oregon City re Motion to Compel Arbitration <sup>14</sup> Defendant's Reply Memorandum in Support, Declaration of Carter Mann, Declaration of Suzi Ellis Alligood and Supplemental Declaration of Erika Torson. Filed by Lithia Subaru Of Oregon City. (Mann, Carter) (Entered: 03/11/2005)
03/16/2005	31	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - GRANTING defense counsel's request to RESET oral argument on defendant's Motion to Compel Arbitration<sup>14</sup> from 4/25/05, to Monday, May 2, 2005, at 3:00PM. (peg, ) (Entered: 03/16/2005)</b>
03/18/2005	<a href="#">32</a>	Motion for Stay Pending Discovery Or File A Sur-Reply. Expedited Hearing Requested. Filed by Hussain Adel. (cib, ) (Entered: 03/22/2005)
03/22/2005	<a href="#">33</a>	Response in Opposition to Plaintiffs' Motion to Stay Motion to Compel Arbitration to Motion for Stay <sup>32</sup> . Filed by Lithia Subaru Of Oregon City.(Mann, Carter) (Entered: 03/22/2005)
03/22/2005	<a href="#">34</a>	Certificate of Service by Lithia Subaru Of Oregon City re Response in Opposition to Motion <sup>33</sup> to Stay Motion to Compel Arbitration. Filed by Lithia Subaru Of Oregon City. (Mann, Carter) (Entered: 03/22/2005)
03/22/2005	35	<b>ORDER: by Judge Ashmanskas - GRANTING Plaintiffs-Intervenors' Motion to File a Sur-reply and DENYING their Motion for a Stay<sup>32</sup>. (peg, ) (Entered: 03/22/2005)</b>
03/23/2005	36	<b>CIVIL MINUTES: Record of by Judge Ashmanskas - Plaintiff-Intervenors Sur-reply re: the Motion to Compel Arbitration<sup>14</sup> is due by 4/5/2005. (peg, ) (Entered: 03/23/2005)</b>
04/05/2005	<a href="#">38</a>	Motion to Expand Time to File Sur-Reply. Filed by plaintiff-intervenors. (peg, ) (Entered: 04/08/2005)

04/08/2005	<a href="#">37</a>	Sur-Reply <i>In Opposition to Defendants'</i> to Motion to Compel Arbitration <a href="#">14</a> . Filed by Hussain Adel, Mark Harris.(Stark, William) (Entered: 04/08/2005)
04/08/2005	39	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - GRANTING plaintiff-intervenors' motion<a href="#">38</a> to extend time to 4/8/05, to file their sur-reply. (peg) (Entered: 04/08/2005)</b>
05/02/2005	40	<b>CIVIL MINUTES: Record of Proceedings: Motion Hearing held before Judge Ashmanskas - Taking Defendant's motion<a href="#">14</a> to compel arbitration under advisement as of 5/2/05; Formal ruling to follow. Carmen Flores present as counsel for plaintiff. William Stark present as counsel for plaintiff-intervenors. Carter Mann present as counsel for defendant. Court Reporter: Dennis Grube. (peg, ) (Entered: 05/03/2005)</b>
06/01/2005	<a href="#">41</a>	Findings & Recommendation: Defendant's motion to compel arbitration <a href="#">14</a> should be denied. Objections to the Findings and Recommendation due by 6/16/2005. Signed on 6/1/05, by Judge Donald C. Ashmanskas. (peg, ) (Entered: 06/03/2005)
06/16/2005	<a href="#">42</a>	Objection(s) to Magistrate's Findings and Recommendation on Defendant's Motion to Compel Arbitration. Filed by Lithia Subaru Of Oregon City.(Mann, Carter) (Entered: 06/16/2005)
06/27/2005	<a href="#">43</a>	Motion for Extension of Time to Respond to Defendant's Objections to The Magistrate's Findings & Recommendations on Defendant's Motion to Compel Arbitration. Filed by Hussain Adel, Mark Harris. (Stark, William) (Entered: 06/27/2005)
06/28/2005	<a href="#">44</a>	Motion for Extension of Time to File a Response to Objection to Findings & Recommendation <a href="#">41</a> . Filed by Hussain Adel, Mark Harris. (ntm, ) (Entered: 06/28/2005)
07/01/2005	45	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - GRANTING plaintiff-intervenors motion<a href="#">43</a> for extension of time up to and including 7/5/05, in which the parties may file responses to the objections to the court's findings and recommendation<a href="#">41</a>. ORDER: DENYING as moot motion<a href="#">44</a>, as it appears to be a duplicate of motion<a href="#">43</a>. (peg, ) (Entered: 07/01/2005)</b>
07/05/2005	<a href="#">46</a>	Response to Objections to the Magistrate's to Findings & Recommendation <a href="#">41</a> . Filed by Hussain Adel, Mark Harris. (Attachments: # <a href="#">1</a> Certificate of Service)(Stark, William) (Entered: 07/05/2005)
07/06/2005	<a href="#">47</a>	Response to Objections to Findings & Recommendation <a href="#">41</a> . Filed by Hussain Adel.(ntm, ) (Entered: 07/06/2005)
07/07/2005	48	Order by Judge Ashmanskas - REFERRING the Findings & Recommendation <a href="#">41</a> to the Honorable Michael W. Mosman for review. Objections to the court's F&R <a href="#">42</a> and Response to the objections <a href="#">46</a> have been filed. (peg, ) (Entered: 07/07/2005)
07/13/2005	<a href="#">49</a>	Unopposed Motion for Extension of Discovery & PTO Deadlines. Filed by Lithia Subaru Of Oregon City. (Mann, Carter) (Entered: 07/13/2005)
07/15/2005	50	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - GRANTING defendant's unopposed motion<a href="#">49</a> to extend deadlines as follows: (1)</b>

		<b>Discovery to be completed by 11/30/2005; (2) Dispositive motions due by 12/30/2005. (peg, ) (Entered: 07/15/2005)</b>
08/02/2005	<a href="#">51</a>	<b>ORDER:</b> Signed on 8/2/05 by Judge Michael W. Mosman. Adopting Findings and Recommendation <a href="#">41</a> . (ntm, ) (Entered: 08/03/2005)
08/09/2005	<a href="#">52</a>	Answer to Intervener Complaint. Filed by Lithia Subaru Of Oregon City.(Mann, Carter) (Entered: 08/09/2005)
08/17/2005	<a href="#">53</a>	Notice of Appeal to the 9th Circuit from Order on Findings & Recommendation <a href="#">51</a> filed by Lithia Subaru Of Oregon City. Filing fee in amount of \$255.00 collected; Receipt No. 5079 issued. Transcript Designation due by 10/17/2005. (Related Document(s): Order on Findings & Recommendation <a href="#">51</a> ) (Meyer, Craig) (Entered: 08/19/2005)
08/19/2005		Notification of Appeal (with attached representation Statement) <a href="#">53</a> sent to USCA for the 9th Circuit and to counsel along with a copy of the docket sheet. CADS mailed to Court of Appeals. (Related Document(s): Notice of Appeal, <a href="#">53</a> ) (tomg, ) (Entered: 08/21/2005)
08/31/2005		Notification by USCA 9th Circuit of case number CA 05-35856 for Notice of Appeal <a href="#">53</a> filed by Lithia Suburu on 8/17/05. (Related Document(s): Notice of Appeal, <a href="#">53</a> ) (tomg, ) (Entered: 09/19/2005)
09/19/2005	<a href="#">56</a>	Transcript Designation and Order Form for the hearing held on 5/2/05 regarding Notice of Appeal <a href="#">53</a> . Filed by Lithia Subaru Of Oregon City. (Related Document(s): Notice of Appeal, <a href="#">53</a> ) (tomg, ) (Entered: 10/04/2005)
09/26/2005	<a href="#">54</a>	Motion for Protective Order. Oral Argument requested Filed by Lithia Subaru Of Oregon City. (ntm, ) (Entered: 09/26/2005)
09/28/2005	55	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - SETTING Defendant Lithia Subaru of Oregon City's Motion for Protective Order <a href="#">54</a> for Oral Argument on Monday, October 24, 2005, at 9:00AM. (peg, ) (Entered: 09/28/2005)</b>
10/12/2005	57	<b>CIVIL MINUTES: Record of ORDER by Judge Ashmanskas - As parties have represented to the court by e-mail, dated 10/12/05, that they have reached a tentative resolution re: defendant's motion for protective order <a href="#">54</a>, the Court DENIES defendant's motion <a href="#">54</a> as moot. However, the Court will allow defendant to renew or reopen their motion if they do not consummate their tentative agreement. ORDER: STRIKING the 10/24/05 oral argument re: motion <a href="#">54</a>. (peg, ) (Entered: 10/12/2005)</b>
10/19/2005	58	<b>CIVIL MINUTES: Record of Order by Judge Ashmanskas - SETTING a Telephone Status Conference for Thursday, November 3, 2005, at 10:15AM; Court staff will initiate the call. (peg, ) (Entered: 10/19/2005)</b>
11/03/2005	59	<b>CIVIL MINUTES: Telephone Status Conference held by Judge Ashmanskas - ORDER - GRANTING the parties oral request to extend case management deadlines as follows: (1) Discovery to be completed by 1/30/2006. (2) Dispositive Motions due by 2/28/2006. Carmen Flores present as counsel for plaintiff. William Stark present as counsel for intervenor-plaintiff. Carter Mann present as counsel for defendant. Court Reporter: None. Donald C.</b>

		<b>Ashmanskas presiding. (peg, ) (Entered: 11/03/2005)</b>
11/08/2005	<a href="#">60</a>	Notice <i>Unavailability</i> . Filed by Carmen Flores appearing on behalf of Equal Employment Opportunity Commission.(Flores, Carmen) (Entered: 11/08/2005)
11/21/2005	<a href="#">61</a>	Transcript of Proceedings - motion hearing held on 5/2/05, before Judge Ashmanskas. Court Reporter: Dennis Grube. (peg, ) (Entered: 11/22/2005)
12/12/2005	<a href="#">63</a>	Order from USCA for the 9th Circuit re Notice of Appeal CA 05-35856 <a href="#">53</a> : Revised Briefing Schedule. (Related Document(s): Notice of Appeal, <a href="#">53</a> ) (tomg, ) (Entered: 12/30/2005)
12/23/2005	<a href="#">62</a>	Motion to Compel; Expedited Hearing Requested. Filed by Plaintiff-Intervenors. (peg, ) (Entered: 12/28/2005)
01/03/2006	<a href="#">64</a>	Response in Opposition to Motion to compel <a href="#">62</a> . Filed by Lithia Subaru Of Oregon City.(Mann, Carter) (Entered: 01/03/2006)
01/05/2006	65	Record of Order by Judge Ashmanskas - Plaintiff-Intervenors' Motion to Compel <a href="#">62</a> is GRANTED. Defendant is to promptly produce the requested documents. No costs are awarded. (peg, ) (Entered: 01/05/2006)
01/09/2006	<a href="#">66</a>	Motion for Protective Order. Oral Argument requested Filed by Lithia Subaru Of Oregon City. (Mann, Carter) (Entered: 01/09/2006)
01/09/2006	<a href="#">67</a>	Memorandum in Support of <i>Defendant Lithia Subaru of Oregon City's Motion for a Protective Order</i> . Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion for Protective Order <a href="#">66</a> .) (Mann, Carter) (Entered: 01/09/2006)
01/09/2006	<a href="#">68</a>	Declaration of Don Jones <i>in Support of Defendant's Motion for Protective Order</i> . Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion for Protective Order <a href="#">66</a> .) (Mann, Carter) (Entered: 01/09/2006)
01/09/2006	<a href="#">69</a>	Declaration of Carter M. Mann <i>in Support of Defendant's Motion for Protective Order</i> . Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion for Protective Order <a href="#">66</a> .) (Mann, Carter) (Entered: 01/09/2006)
01/09/2006	<a href="#">70</a>	Declaration of Sid DeBoer <i>in Support of Defendant's Motion for Protective Order</i> . Filed by Lithia Subaru Of Oregon City. (Related document(s): Motion for Protective Order <a href="#">66</a> .) (Mann, Carter) (Entered: 01/09/2006)
01/11/2006	71	Scheduling Order by Judge Ashmanskas - SETTING Defendant's Motion <a href="#">66</a> for a Protective Order on the Court's oral argument motion calendar of Monday, February 27, 2006, at 1:30PM. (peg, ) (Entered: 01/11/2006)
01/27/2006	72	Scheduling Order by Judge Ashmanskas - In light of the reported settlement of this matter by counsel for plaintiff on 1/26/06, the Court STRIKES the 2/27/06 oral argument setting re: defendant's motion <a href="#">66</a> for protective order. ORDER: SETTING a Final Paper Call Hearing for Monday, March 6, 2006, at 9:00AM. If documents sufficient to finalize this matter are received by the Court prior to close of business day 3/3/06, the FPC Hearing will automatically be stricken, and counsel would not need to appear on 3/6/06. (peg, ) (Entered: 01/27/2006)



03/01/2006	<a href="#">73</a>	Unopposed Motion to Dismiss. Filed by Lithia Subaru Of Oregon City. (cib, ) (Entered: 03/02/2006)
03/02/2006	<a href="#">74</a>	Judgment - IT IS ORDERED and ADJUDGED that: (1) this action is DISMISSED with prejudice and without costs to any party; (2) pending motions, if any, are DENIED as MOOT; and (3) all scheduling dates shall be vacated and stricken from the calendar. Signed on 3/2/06 by Judge Donald C. Ashmanskas. (STRIKING the 3/6/06 final paper call hearing as moot.) (peg, ) (Entered: 03/02/2006)
03/07/2006	<a href="#">75</a>	Consent Decree and Order of Dismissal - Signed on 3/7/06, by Judge Donald C. Ashmanskas. (peg, ) (Entered: 03/07/2006)
03/17/2006	<a href="#">76</a>	Order from USCA for the 9th Circuit dismissing Appeal CA 05-35856 <a href="#">53</a> : Appellant's motiion to dismiss this appeal is granted. (Related Document(s): Notice of Appeal, <a href="#">53</a> ) (tomg, ) (Entered: 03/31/2006)

### PACER Service Center

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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:04-cv-01361-AS
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.40